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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JAMES O. WRIGHT JR.,

11 Plaintiff,

12 v.

13 E.M. HENDRICHSEN, et al,

14 Defendants.

Case No. 3:17-cv-05961-RBL-TLF

ORDER GRANTING PLAINTIFF'S
MOTION TO STRIKE PLAINTIFF'S
MOTIONS TO COMPEL AND FOR
SANCTIONS (DKT. 52, 53, 54) AND
DENYING DEFENDANTS' MOTION
FOR SANCTIONS

15 Before the Court is plaintiff's motion to strike (Dkt. 60) his motions to compel discovery
16 against defendants Andrew Toynebee and John Snaza (Dkts. 52, 53) and his motion for sanctions
17 against those two defendants (Dkt. 54). Also before the Court is defendants' motion for sanctions
18 against plaintiff (Dkt. 57).

19 Defendants Toynebee and Snaza received plaintiff's requests for interrogatories and his
20 requests for production via U.S. Mail on October 24, 2018. Dkt. 58, p. 1. Defendants submitted
21 their responses to those requests by placing them in the U.S. Mail on November 26, 2018. *Id.*
22 That same day, defendants also received plaintiff's motions to compel and motion for sanctions.
23 *Id.*

24
25 ORDER GRANTING PLAINTIFF'S MOTION TO STRIKE
PLAINTIFF'S MOTIONS TO COMPEL AND FOR
SANCTIONS (DKT. 52, 53, 54) AND DENYING
DEFENDANTS' MOTION FOR SANCTIONS - 1

1 Prior to filing a motion to compel discovery, the moving party must make a good faith
2 attempt to confer with the opposing party in an effort to obtain the requested discovery without
3 court action. Federal Rule of Civil Procedure (FRCP) 37(a)(1); Local Rule LCR 37(a)(1).

4 Plaintiff concedes he failed to comply with this requirement. Dkt. 60, p. 2; *see also* Dkt. 58, p. 2.

5 Accordingly, due to plaintiff's failure to comply with FRCP 37(a)(1) and Local Rule
6 LCR 37(a)(1), the Court will GRANT the motion to strike (Dkt. 60) and DENY the motions to
7 compel discovery (Dkts. 52, 53) and motion for sanctions (Dkt. 54).

8 Defendants move for sanctions against plaintiff for his failure to attempt to comply with
9 FRCP 37(a)(1) and Local Rule LCR 37(a)(1), as well as the time requirements of FRCP 33 and
10 34. Dkt. 57, pp. 3-4.

11 If a party fails to confer in good faith, the Court "may take action as stated in" Local Rule
12 LCR 11. Local Rule LCR 37(a)(1). Local Rule LCR 11(c) provides:

13 [A] party who without just cause fails to comply with any of the Federal Rules
14 of Civil . . . Procedure, [the Local Rules], . . . or who presents to the court
15 unnecessary motions . . . or who otherwise so multiplies or obstructs the
16 proceedings in a case may, in addition to or in lieu of the sanctions and
penalties provided elsewhere in these rules, be required by the court to satisfy
personally such excess costs and may be subject to such other sanctions as the
court may deem appropriate.

17 Defendants do not assert or suggest that plaintiff's failure has subject them to any excess
18 costs or recommend any other particular sanctions the Court should impose.

19 The Court declines to impose sanctions on plaintiff at this time.

20 Accordingly, defendants' motion for sanctions (Dkt. 57) is DENIED.

1 The Clerk shall send a copy of this Order to plaintiff and counsel for defendants.

2 Dated this 25th day of February, 2019.

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6 Theresa L. Fricke
7 United States Magistrate Judge
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